UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In re: VIOXX															*	MDL No. 1657			
PRODUCTS LIABILITY LITIGATION														N	* *	SECTION: L			
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T	This document relates to All Cases													*	JUDGE FALLON				
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PRE-TRIAL ORDER NO. 23 (DATE OF AUTHORIZATIONS AND AFFIXING DATE TO UNDATED AUTHORIZATIONS BY MERCK'S RECORDS VENDOR)

To avoid the administrative costs incurred by the parties in seeking new Authorizations for the release of medical and other records ("Authorizations") (i) by Plaintiffs in cases that are filed in or transferred to this MDL proceeding and (ii) by Claimants who have entered the Tolling Agreement, for the purpose of replacing identical Authorizations (but for the date) that have been rejected by some healthcare providers as untimely, the Plaintiffs' Steering Committee and the Defendants' Steering Committee have jointly requested that the Court enter and Order setting out guidelines for the dating of Authorizations.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Hereafter, all Authorizations that are provided by Plaintiffs and Claimants to Merck shall be left undated. For those authorizations that have been provided prior to the date of this Order or are provided hereafter by Plaintiffs or Claimants to Merck and are undated, Merck's records vendor(s) is hereby authorized to date these Authorizations to the date they are being sent to the healthcare providers and other entities that require an Authorization, so long as the date affixed is not later than January 31, 2008.

2. With respect to Authorizations that have been provided prior to the date of this Order or are provided hereafter by Plaintiffs or Claimants to Merck and are dated, Merck's record vendor(s) is hereby authorized to re-date these Authorizations to the date they are being sent to the healthcare providers and other entities that require an Authorization, so long as the date affixed is not later than January 31, 2008. Merck's record vendor(s) shall be permitted to "white-out" the date and re-date.

3. This Order shall not affect any of the terms of, or any remaining obligation regarding, Authorizations as mandated by Pre-Trial Order No. 18C.

4. The parties' right to move for extensions of this Order is reserved.

New Orleans, Louisiana, this 20th day of March, 2007.

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ELDON E. FALLON UNITED STATES DISTRICT JUDGE